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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,014

06/20/2003

Allen Carl

49386 CON (71995)

7152

21874 7590 11/02/2007
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P.O. BOX 55874
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EXAMINER

COMSTOCK, DAVID C

ART UNIT

PAPER NUMBER

3733

MAIL DATE

DELIVERY MODE

11/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/601,014

Applicant(s)

CARL ET AL.

Examiner

David Comstock

Art Unit

3733

All participants (applicant, applicant's representative, PTO personnel):

(1) David Comstock.

(3) _____

(2) Bill Daley.

(4) _____

Date of Interview: 01 November 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☒ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____

Claim(s) discussed: 34,36,38,60,80,91,93 and 95.

Identification of prior art discussed: Lumb (3,426,364).

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: It appears that amending the independent claims to recite that the arcuate member extends in a plane and the ends are configured to extend in the same plane and through preformed apertures formed in adjacent vertebrae, or the like, would overcome the Lumb reference. Regarding method claim 60, it appears that Lumb lacks a common channel and the step of positioning a cutting implement midpoint between adjacent vertebrae. Further search and consideration will be necessary to determine whether the claims may be rejected over the art of record or over other potential references that may be discovered.